REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1-17 are pending in the application.

Claims 1-17 over Fawaz

Claims 1-3, 12 and 13 stand rejected under 35 U.S.C. §102(e) over U.S. Patent Application Pub. No. 2003/0133406 A1 to Fawaz, with claims 4-11 and 14-17 rejected under §103(a) over Fawaz. The Applicant respectfully traverses the rejection.

Independent claim 1 specifies selectively outputting a flow control frame on a network switch port based on a determined depletion of network switch resources relative to a determined priority for a data frame received on a network switch port. Independent claim 12 specifies a flow control module that selectively outputs a flow control output signal to selected ones of network switch ports based on a determined depletion of network switch resources relative to a respective determined priority values based on a corresponding received data packet.

Hence, a flow control module can selectively determine whether a network switch port should output a flow control frame based on a determined depletion of network switch resources relative to a determined priority of data traffic received by a network switch port. High-priority traffic can be maintained to satisfy quality of service requirements, while reducing congestion by temporarily suspending lower priority traffic.

The Office Action alleges that Fawaz, paragraphs 78-79 and Fig. 10, discloses selectively outputting a flow control frame on a network switch port based on a determined depletion of network switch resources relative to determined priorities (see Office Action, page 3).

Fawaz discloses either skipping a Service Level Agreements (SLA) queue if it becomes congested or reducing the rate of transmission for the Service Level Agreement to a minimum guaranteed rate (see paragraphs 78 and 79). Fawaz's basis for stopping or reducing the transmission to a particular SLA queue in a quality of service node is based on congestion within that SLA queue, i.e., **only** based on the depletion of network switch resources. Fawaz fails to disclose or suggest controlling flow based on the **priority** of

the received data frame. Hence, Fawaz neither discloses nor suggests selectively outputting a flow control frame based on depletion of network switch resources relative to the determined **priority**, as recited by claims 1-17.

Moreover, Fawaz discloses sending "control messages" from a first quality of service node to a second quality of service node instructing the second quality of service node to reduce or stop sending packets from a specified queue (see paragraph 79). Fawaz fails to even mention use of a **flow control frame**.

Moreover, independent claim 12 specifies a flow control module that selectively outputs a flow control output signal to selected ones of network switch ports based on a determined depletion of network switch resources relative to a respective determined priority values based on a corresponding received data packet.

As discussed above, Fawaz discloses either stopping or reducing the transmission to a particular SLA queue in a quality of service node. However, in the reduced transmission mode, the control message is being sent to all of the neighboring nodes (see Fawaz, paragraph 0078). Thus, Fawaz outputs a control message to all of the network switch ports, and NOT to selected ones of network switch ports, as recited by claims 12-17. For these and other reasons, the §102 rejection of independent claims 1 and 12 should be withdrawn.

Furthermore, dependent claim 2 specifies determining a priority for a data frame at a network switch port. Dependent claim 13 specifies each network switch port includes a port filter configured for determining a determined priority value for a corresponding data packet.

Fawaz discloses a single centrally located classifier 304 and 404 within the switch that performs classification of packets within the network (see paragraph 0051). The disadvantage of using a single centrally located classifier being that it must be able to handle a plurality of input ports simultaneously, with the processor burden increasing proportionally to the number of input switch ports. Fawaz fails to disclose or suggest determining a priority for a data frame at a network switch port, much less each network switch port including a port filter configured for determining a determined priority value

for a corresponding data packet. Hence, the §102 rejection of claims 2 and 12 should be withdrawn.

It is believed claims 4-11 and 14-17 are allowable in view of their dependency from independent claims 1 and 12, respectively; and, the §103 rejection should be withdrawn.

Accordingly, for at least all the above reasons, claims 1-17 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-0687, under Order No. 95-320, and please credit any excess fees to such deposit account.

Respectfully submitted,
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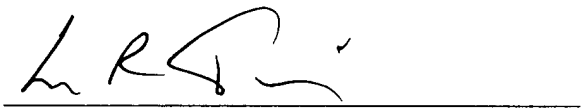

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